

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VALENTINO NAPOLITANO,

Plaintiff,

-v-

TEACHERS COLLEGE, COLUMBIA
UNIVERSITY,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/4/2023

No. 19-cv-9515 (MKV)

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, District Judge:

The Court is in receipt of a letter from the defendant, writing “on behalf of both parties,” that the parties have reached a settlement in principle and are currently “in the process of finalizing a settlement agreement” [ECF No. 64]. The letter also notes that this case involves “claims under the Age Discrimination in Employment Act (“ADEA”), and . . . releases of claims under the ADEA require that the plaintiff be provided seven days to revoke the agreement after signature.” The parties indicate in the letter that they anticipate being able to finalize their settlement, including the seven days after signature, within 30 days.

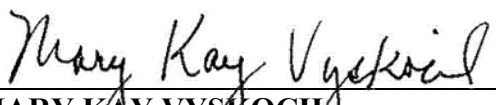
Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court’s calendar if the application to restore is made within 45 days, by **September 18, 2023**. Plaintiff should move to restore the action by that date if the parties are unable to reach any final agreement or if, within seven days after signing the settlement, Plaintiff decides that he wishes to revoke the agreement and to proceed with this litigation.

If no application to restore is made by September 18, 2023, today’s dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004).

All other dates and deadlines are adjourned *sine die*.

SO ORDERED.

Date: August 4, 2023
New York, NY



MARY KAY VYSKOCIL
United States District Judge